

The Hon. Anthony Roberts, MP
Minister for Planning
GPO Box 5341
Sydney NSW 2001

12 March 2018

Dear Minister

Subject: Ministerial Call-in Request, Viva Clyde Western Area Remediation Project (MCI 8823)

I refer to the Department of Planning and Environment's (the Department) letter received on 26 February 2018 referring the above call-in request to the Independent Planning Commission (Commission) to declare the development as State significant development under Section 4.36(3) (formerly 89C (3)) of the *Environmental Planning & Assessment Act 1979*. I have been nominated by the chair of the Commission, Professor Mary O'Kane to advise the Minister on this call-in request.

The Clyde Terminal is located on the Camellia Peninsula that covers an area of around 321 hectares and was established as an industrial precinct in the 1950s. The site formerly contained the Clyde Refinery (on 40 hectares of land), which processed crude oil into finished petroleum. The refinery ceased refining fuel in late 2012. In 2012, the EPA issued a Preliminary Investigation Order for the site under the *Contaminated Land Management Act 1997*. Following the investigation, the site was declared significantly contaminated on the 8 June 2016. The declaration noted that groundwater at the site is contaminated and due to the sensitive environmental setting, contaminants in groundwater may affect the adjacent water bodies of Duck River and the Parramatta River.

The *Guideline on 'call-in' of State significant development under the Environmental Planning & Assessment Act 1979* outlines six criteria that should be considered when determining if a development should be declared State significant development.

Viva is proposing to remediate the western area of the site. The remediation would involve the treatment of up to 80,000m³ of contaminated soil and potentially treating contaminated groundwater. Viva requests that the project be declared State significant development as it considers the project meets the criteria identified within the Government's guidelines.

The Department's Secretary Report undertook a comprehensive assessment of the call-in request against the six criteria and concluded that the Western Area Remediation Project could be declared State significant development as it satisfied all six criteria.

The Commission notes that the Department consulted with City of Parramatta Council on the call-in request and the Council raised no objection.

The Commission has reviewed Viva's request and the Department's Secretary Report and, when measured against the six criteria set out in the Minister's Guideline, is supportive of the proposal being declared a State significant development. The Commission finds that the site is strategically important to the future development of Sydney and remediation of the land would allow the land to be redeveloped

for employment generating commercial or industrial uses. Importantly decontaminating the site would remove risks to human health and the environment.

The scale and complexity of the remediation works requires coordination between multiple State Government agencies, in which the Department is experienced and has the expertise in coordinating assessments of this type.

The Commission advises the Minister that the proposal should proceed as a State significant development as it satisfies all six criteria under the Government's guidelines for "call in" of State significant developments. The project requires a State coordinated approach utilising the expertise of the Department.

If you have any queries on the above, please contact Robert Bisley, Senior Planner of the Independent Planning Commission Secretariat, on 9383 2131.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Forward', with a stylized flourish at the end.

Paul Forward
Member of the Commission